

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

OSPREY SHIP MANAGEMENT, INC.	§	
and CORMORANT SHIPHOLDING	§	
CORP.	§	PLAINTIFFS
	§	
v.	§	Civil No. 1:05CV390-HSO-RHW
	§	In Admiralty
	§	
DON FOSTER and NORTHROP	§	
GRUMMAN SHIP SYSTEMS, INC.	§	DEFENDANTS

ORDER DENYING JOINT MOTION FOR ENTRY OF JUDGMENT

This matter is before the Court on the Joint Motion for Entry of Judgment [380-1] of Defendants United States of America, Jackson County Port Authority, Joe Mosso, Randy Joplin, Colle Towing Company, Inc., Pascagoula Bar Pilots Association, Michael C. Torjusen, Ronald T. Robertson, Robert T. Baker, Fredrick A. Lundy, Sr., and Walter W. Gautier [collectively, “Moving Defendants”], filed in this case on October 3, 2008. Plaintiffs filed an Objection [381-1] to the Joint Motion, and Defendant United States of America filed a Reply [382-1].

The Moving Defendants were each dismissed by Order of this Court granting their respective Motions for Summary Judgment in pretrial proceedings. *See* Orders Granting Mot. for Summ. J. of Defs. Colle Towing Company [284-1]; Joe Mosso [285-1]; Robert T. Baker, Walter W. Gautier, Fredrick A. Lundy, Ronald T. Robertson, Michael C. Torjusen, and Pascagoula Bar Pilots Association [288-1]; Jackson County Port Authority and Harbormaster Randy Joplin [289-1]; and United States of America [312-1]. After a bench trial in this matter, Final

Judgment [372-1] was entered on September 18, 2008, fully adjudicating all remaining claims against the remaining Defendants, Don Foster and Northrop Grumman Ship Systems, Inc., and terminating this case.

While the Final Judgment in this case did not specifically reference the previously dismissed Moving Defendants by name, it nonetheless was intended to serve, and did serve, as a final judgment for all claims against all Defendants in the case. *See Martin v. Pinkerton, Inc.*, 18 F.3d 937, 1994 WL 83774, *2 (5th Cir. March 2, 1994); *see also Dickinson v. Auto Center Mfg. Co.*, 733 F.2d 1092, 1102 (5th Cir. 1983) (holding that interlocutory orders are merged into the final judgment terminating the action). Moving Defendants' request for separate entry of a final judgment under Federal Rule of Civil Procedure 54(b) is therefore unnecessary and must be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that Moving Defendants' Joint Motion of Entry of Judgment [380-1], filed on October 3, 2008, is hereby **DENIED**.

SO ORDERED AND ADJUDGED, this the 15th day of October, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE